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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,593	02/15/2001	Wouter Zuilhof	203208US6	4341

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EXAMINER
HARRISON, MONICA D

ART UNIT	PAPER NUMBER
2855	

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/783,593	ZUILHOF ET AL.	
	Examiner	Art Unit	
	Monica D. Harrison	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 February 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28a" and "28b" has been used to designate both supporting frames and pivot arms. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show tilting arms, references "22a" and "22b", and circle arc, reference "23" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Marten et al. Regarding claim 1, Marten et al discloses a roller pair (Figure 1, reference 4,6) for a roller testing stand (Figure 1, reference 2) with, two, commonly driven, rollers the distance of one thereof with respect to the other being adjustable, wherein of this roller the axis can be displace over a circle

arc which the center essentially coincides with the axis of a driving gear or wheel (column 3, lines 11-13).

Regarding claim 7, Marten et al discloses a roller testing stand comprising a roller pair (Figure 1, reference 4,6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al further in view of Evans et al. Marten et al teaches the claimed invention except the adjustable roller is driven from the driving gear or wheel by an endless transmission (claim 2), outgoing shaft of the driving motor protrudes at both sides from the motor housing and carries at each outer ends a driving gear or wheel, one of which driving, by means of the endless transmission element the displaceable roller, a tilting arm being provided between the respective rollers and motor housing, one end thereof being rotatable around the motor axis and the other end carrying a bearing for supporting the displaceable rollers (claim 3), wherein each roller shaft is supported at the first end of a pivot arm and is provided first, driven, pulley or gear, with an endless transmission element being slung around the first and second pulley or gears, while each of the second pulleys or gears is coaxially coupled to a third and fourth pulley or gear respectively, and an endless transmission element is slung around a third and fourth pulley or gears on the one hand and a fifth pulley or gear on the other hand, said fifth pulley or gear being driven by a

driving motor (claim 4), comprising a controlled coupling between at least one of the rollers and its corresponding pulley or gear (claim 5), each pivot arm is pivotally connected to the first end of a connecting rod directed towards the other arm, of which connecting rods the respective other ends are pivotally connected to the respective ends of a control lever, and rotatable around a control shaft centrally located in the space between two arms (claim 6).

However, Evans et al discloses the adjustable roller is driven from the driving gear or wheel by an endless transmission (claim 2), outgoing shaft of the driving motor protrudes at both sides from the motor housing and carries at each outer ends a driving gear or wheel, one of which driving, by means of the endless transmission element the displaceable roller, a tilting arm being provided between the respective rollers and motor housing, one end thereof being rotatable around the motor axis and the other end carrying a bearing for supporting the displaceable rollers (claim 3), wherein each roller shaft is supported at the first end of a pivot arm and is provided first, driven, pulley or gear, with an endless transmission element being slung around the first and second pulley or gears, while each of the second pulleys or gears is coaxially coupled to a third and fourth pulley or gear respectively, and an endless transmission element is slung around a third and fourth pulley or gears on the one hand and a fifth pulley or gear on the other hand, said fifth pulley or gear being driven by a driving motor (claim 4), comprising a controlled coupling between at least one of the rollers and its corresponding pulley or gear (claim 5), each pivot arm is pivotally connected to the first end of a connecting rod directed towards the other arm, of which connecting rods the respective other ends are pivotally connected to the respective ends of a control lever, and rotatable around a control shaft centrally located in the space between two arms (claim 6) (Figures 1-6 and 11-14).

Since Marten et al and Evans et all are from the same field of endeavor, the purpose disclosed by Evans et al would have been recognized in the pertinent art of Marten et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Marten et al with the teachings of Evans et al to build a chassis dynamometer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica D Harrison whose telephone number is 703-305-4758. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on 703-308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7725 for regular communications and 703-305-3839 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Monica D. Harrison
AU 2855

mdh
July 1, 2002

Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2800